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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GARY ROBERTS,)	Case No. 3:05-cv-274-JKS
)	
Plaintiff,)	
)	SCHEDULING AND PLANNING
vs.)	CONFERENCE REPORT
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

The parties report as follows:

1. **Meeting.** In accordance with F.R.Civ.P. 26(f), a meeting was held on January 31, 2006 and was attended by:

Leonard Kelley, attorney for the plaintiffs.

Susan Lindquist, attorney for defendant United States.

The parties recommend the following:

2. **Pre-Discovery Disclosures.** The information required by F.R.Civ.P. 26(a)(1):
G have been exchanged by the parties
X will be exchanged by the parties by **March 28, 2006.**

Preliminary witness lists

G have been exchanged by the parties
X will be exchanged by the parties by **March 28, 2006**

3. **Contested Issues of Fact and Law.** Preliminarily, the parties expect the following issues of fact and/or law to be presented to the court at trial in this matter:
Issues:

1. Did Mr. Griffiee use due care when entering the intersection?
2. Did Mr. Roberts use due care in entering the intersection?
3. What are Mr. Robert's damages?

Factual Disputes:

4. **Discovery Plan.** The parties jointly propose to the court the following discovery plan.
 - A. Discovery will be needed on the following issues:
The issues stated above.
 - B. All discovery commenced in time to be completed by **December 29, 2006.**
 - C. Interrogatories.
X No change from F.R.Civ.P. 33(a)
Maximum of (number) Interrogatories by each party to any other party. Responses due in (number) days.
 - D. Requests for Admissions.
No change from F.R.Civ.P. 36(a).

X Maximum of **30** requests. Responses due in **30** days.

E. Depositions.

X No change from F.R.Civ.P. 30(a), (d).

Maximum of (number) depositions by each party.

G Depositions not to exceed **6** hours unless extended by agreement of all parties.

F. Reports from retained experts.

Not later than 90 days before the close of discovery subject to F.R.Civ.P. 26(a)(2)(C).

G Reports due:

From plaintiff **September 7, 2006**

From defendant **October 5, 2006**

G. Supplementation under F.R.Civ.P. 26(e) due at 30-day intervals.

5. **Pretrial Motions.**

X No change from D.Ak. LR 16.1(c).

The following changes to D.Ak. LR 16.1(c). [Check and complete all that apply]
Motions addressing matters specified in F.R.Civ.P. 12(b) to be filed not later than (date).

Motions to amend pleadings or add parties to be filed not later than (date).

G Motions under the discovery rules must be filed not later than **January 31, 2007**.

G Motions in limine and dispositive motions must be filed not later than **January 31, 2007**.

6. **Other Provisions:**

A. X The parties do not request a conference with the court before entry of the scheduling order.

- B. The parties request a pretrial conference in **March 2007**
- C. Settlement:
- G Likely
 - G Unlikely
 - X Can not be evaluated at this time.
- D. Alternative Dispute Resolution.
- G This matter is not considered a candidate for court-annexed alternative dispute resolution.
 - X The parties will file a request for court-annexed alternative dispute resolution not later than **January 31, 2007**
- E. The parties do not consent to trial before a magistrate judge.
7. **Trial.**
- A. The matter will be ready for trial:
- X 45 days after the discovery close date.
not later than (date).
- B. The matter is expected to take 2 days to try.
- C. Jury Demanded: X No (FTCA case, no jury allowed).

RESPECTFULLY SUBMITTED this 23rd day of February 2006,

KELLEY & CANTERBURY

s/ Leonard T. Kelley (consent)

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2006,
a copy of the foregoing Scheduling and
Planning Conference Report was served
electronically on Leonard T. Kelley.

s/ Susan J. Lindquist